

# Senate File 337 - Enrolled

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SENATE FILE 337

AN ACT

RELATING TO INFORMATION REQUIRED TO BE INDEXED IN THE RECORDS  
OF THE COUNTY RECORDER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 448.15, subsection 1, Code 2007, is amended to read as follows:

1. After taking possession of the parcel, after the issuance and recording of a tax deed or an instrument purporting to be a tax deed issued by a county treasurer of this state, the then owner or holder of the title or purported title may file with the county recorder of the county in which the parcel is located an affidavit substantially in the following form:

State of Iowa, )  
..... County. ) ss.  
I, ....., being first duly sworn, on oath depose and say that on ..... (date) the county treasurer issued a tax deed to ..... (grantee) for the following described parcel: .....

~~that the tax deed was filed for record in the office of the county recorder of ..... county, Iowa, on ..... (date), and appears in the records of the that office in ..... county as recorded in Book .... Page .... of the ..... Records document reference number .....; and that ..... claims title to an undivided .... percent interest in the parcel by virtue of the tax deed, or purported tax title.~~

Any person claiming any right, title, or interest in or to the parcel adverse to the title or purported title by virtue of the tax deed referred to shall file a claim with the recorder of the county where the parcel is located, within one hundred twenty days after the filing of this affidavit, the claim to set forth the nature of the interest, also the time and manner in which the interest claimed was acquired. A person who files such a claim shall commence an action to enforce the claim within sixty days after the filing of the claim. If a claimant fails to file a claim within one hundred twenty days after the filing of this affidavit, or files a claim but fails to commence an action to enforce the claim within sixty days after the filing of the claim, the claim thereafter shall be forfeited and canceled without any further notice or action, and the claimant thereafter shall be forever barred and estopped from having or claiming any right, title, or interest in the parcel adverse to the tax title or purported tax title.

Subscribed and sworn to before me this ... day of ..... (month), ... (year).

Notary Public in and for  
..... County, Iowa.

Sec. 2. Section 448.17, Code 2007, is amended to read as follows:

448.17 INDEXING AND RECORDING OF AFFIDAVITS AND CLAIMS.  
All affidavits and claims as provided for in sections 448.15 and 448.16, filed with the county recorder, shall be recorded as other instruments affecting parcels, and the entries required in those sections and any applicable entries specified in sections 558.49 and 558.52 shall be indexed in the claimant's book under the description of the parcel involved, and shall be recorded as other instruments affecting parcels by the recorder.

Sec. 3. Section 557C.4, Code 2007, is amended to read as follows:

557C.4 STATEMENT OF CLAIM == RECORDER'S DUTY.  
Upon the filing of the statement of claim provided for in section 557C.3 in the recorder's office for the county where the real estate on, or under, which the mineral interest in coal exists, is located, the recorder shall record the statement of claim and index ~~it in the claimant's book the~~

3 4 entries required to be made pursuant to section 557C.3 and any  
3 5 applicable entries specified in sections 558.49 and 558.52.

3 6 Sec. 4. Section 558.55, Code 2007, is amended to read as  
3 7 follows:

3 8 558.55 FILING AND INDEXING == CONSTRUCTIVE NOTICE.

3 9 The recorder must endorse upon every instrument properly  
3 10 filed for record in the recorder's office, the day, hour, and  
3 11 minute of the filing, and enter in the index the entries  
3 12 required to be entered pursuant to sections 558.49 and 558.52,  
3 13 ~~except the document reference number where the complete record~~  
3 14 ~~will appear,~~ and the filing and indexing shall constitute  
3 15 constructive notice to all persons of the rights of the  
3 16 grantees conferred by the instruments.

3 17 Sec. 5. Section 614.17, unnumbered paragraph 3, Code 2007,  
3 18 is amended to read as follows:

3 19 For the purposes of this section and section 614.17A, such  
3 20 possession of real estate may be shown of record by affidavits  
3 21 showing the possession, and when the affidavits have been  
3 22 filed and recorded, it is the duty of the recorder to ~~enter~~  
3 23 ~~upon the margin of the record, a certificate to the effect~~  
3 24 ~~that the affidavits were filed by index the applicable entries~~  
3 25 ~~specified in sections 558.49 and 558.52 and to index the name~~  
3 26 ~~of the owner in possession, as named in the affidavits, or by~~  
3 27 ~~the owner's attorney in fact, as shown by the records and in~~  
3 28 like manner, the affidavits may be filed and recorded where  
3 29 any action was barred on any claim by this section as in force  
3 30 prior to July 1, 1991.

3 31 Sec. 6. Section 614.18, Code 2007, is amended to read as  
3 32 follows:

3 33 614.18 CLAIM INDEXED.

3 34 Any such claim so filed, shall be recorded, and the entries  
3 35 required in section 614.17A and any applicable entries  
4 1 specified in sections 558.49 and 558.52 indexed, under the  
4 2 description of the real estate involved in a book set apart  
4 3 and specially designed for that purpose to be known as the  
4 4 "claimant's book" and kept in the office of the recorder of  
4 5 the county where such real estate is situated, and said  
4 6 statement, when so indexed, shall be recorded as other  
4 7 instruments affecting real estate.

4 8 Sec. 7. Section 614.35, Code 2007, is amended to read as  
4 9 follows:

4 10 614.35 RECORDING INTEREST.

4 11 To be effective and to be entitled to record, the notice  
4 12 above referred to shall contain an accurate and full  
4 13 description of all land affected by such notice which  
4 14 description shall be set forth in particular terms and not by  
4 15 general inclusions; but if the claim is founded upon a  
4 16 recorded instrument, then the description in such notice may  
4 17 be the same as that contained in such recorded instrument.  
4 18 Such notice shall be filed for record in the office of the  
4 19 county recorder of the county or counties where the land  
4 20 described in the notice is situated. The recorder of each  
4 21 county shall accept all such notices presented to the recorder  
4 22 which describe land located in the county in which the  
4 23 recorder serves and shall enter and record full copies of the  
4 24 notices in the manner provided and shall index the applicable  
4 25 entries specified in sections 558.49 and 558.52, and each  
4 26 recorder shall be entitled to charge the same fees for the  
4 27 recording of the notices as are charged for recording deeds.  
4 28 In indexing such notices in the recorder's office each  
4 29 recorder shall enter such notices under the grantee indexes of  
4 30 deeds in the names of the claimants appearing in such notices.

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JOHN P. KIBBIE  
President of the Senate

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PATRICK J. MURPHY  
Speaker of the House

5 7 I hereby certify that this bill originated in the Senate and  
5 8 is known as Senate File 337, Eighty-second General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

5 14 Approved \_\_\_\_\_, 2007

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5 18 CHESTER J. CULVER  
5 19 Governor

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